

SCHEDULE C

International Village BIA BY-LAW NO. 14-253

Procedure By-Law

ARTICLE 1

Interpretation

In this By-law, unless the context requires otherwise:

“City” means the City of Hamilton;

“corporation” means a body recognized as a separate legal entity in the Province of Ontario in accordance with federal or provincial legislation (for example, a business corporation incorporated under the *Business Corporations Act*, R.S.O. 1990, c. B. 16 or a non-profit corporation incorporated under the *Corporations Act*, R.S.O. 1990, c. C. 38) and “corporate” has a corresponding meaning;

“Director” means an individual:

- (a) selected by a vote of the members of the Business Improvement Area and then appointed by City Council to the Board of Management; or
 - (b) an individual, including but not limited to a member of Council, appointed directly by City Council to the Board of Management; and
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“Member” means a person, including but not limited to a corporation, assessed, on the last returned assessment roll, with respect to rateable property in the Business Improvement Area that is in a prescribed business property class and tenants of such property.

Scope

The Municipal Act, 2001, specifically sections 204-215, is the Act under which business property owners petition City Council to enact by-laws for an improvement area, designating its geographical boundaries and establishing a Board of Management. The Board of Management is entrusted, subject to such limitations as the by-law provides, with the administration of the organization known as the Business Improvement Area (the “B.I.A.”). The Board of Management is a corporation and a local board of the City of Hamilton for all purposes. Attached to this document are copies of sections 204-215 of the Municipal Act, 2001 and By-law No. 14-253, the Business Improvement Area By-law.

Purpose and Objectives

The objective of the B.I.A. shall be to oversee the improvement, beautification and maintenance of municipally-owned land, buildings and structures in the area beyond that provided at the expense of the municipality generally; and to promote the area as a business or shopping area.

ARTICLE 2

General

Section 1 In all instances, the B.I.A. shall operate in conformity with the provisions of the Municipal Act, 2001 and City by-laws.

Section 2 General guidelines, rules and regulations above and beyond those provided under the Municipal Act, 2001 may be set for the B.I.A., but such guidelines, rules or regulations shall never conflict with or frustrate the Act. This By-law is passed pursuant to subsection 8(c) or subsection 8(d) of City of Hamilton By-law No. 14-253, the Business

Improvement Area By-law, and is intended to provide such further rules of procedure as are not specified in the Municipal Act, 2001 or City by-laws in order that the functions of the B.I.A. may be performed in as fair and democratic a manner as possible.

ARTICLE 3

Eligibility for Membership

Every person who is assessed with respect to property in a prescribed business property class within an area designated as a business improvement area, and tenants of such property, is a Member of the B.I.A. Each Member is entitled to one vote regardless of the number of properties that the Member may own or lease.

ARTICLE 4

Board of Management

Section 1 All Directors of the Board of Management are appointed by City Council.

- (a) The Board of Management shall consist of **7 Directors** (which will provide for a minimum of 3 Directors and a maximum of 20 Directors), selected by a vote of the Members of the BIA and then appointed as Directors by City Council. In addition, the Board of Management shall consist of the Councillor(s) of the Ward(s) in which the BIA is located, directly appointed as Directors by the City.
- (b) Directors of the Board of Management shall have one vote at Board of Management meetings. A quorum for conducting any meeting of the Board of Management shall consist of a majority of Directors not directly appointed by the City.
- (c) The Board of Management shall have the following Officers: Chair, Vice-Chair, Secretary, Treasurer, provided that the Secretary and the Treasurer may be the same Director. At the first meeting of the Board of Management, the Board shall, amongst themselves, elect the Officers.

Section 2 Vacancies

The seat of a Director of the Board of Management becomes vacant when:

- (a) A Director is absent from Board of Management meetings for three (3) consecutive regular meetings without reasonable cause. Upon a Director failing to attend two (2) consecutive regular meetings without reasonable cause, the Board of Management shall send by prepaid mail, a notice to the Director advising that upon a third (3rd) failure to attend, the Board of Management shall recommend to the City that such Director be removed from the Board of Management.

- (b) A Director resigns in writing to the Board of Management with a copy of the letter copied to the Co-ordinator of Business Improvement Areas, Economic Development Division, Planning and Economic Development Department.

Section 3 Appointment to the Board

In the event of a vacancy occurring on the Board of Management:

- (a) The remaining Directors may nominate for the City's consideration and appointment an individual for Directorship to fill the vacancy for the remaining portion of the term of office.

 - (b) In the event that the remaining Directors no longer constitute a quorum, a meeting of the Members shall be called by the remaining Directors for the purpose of nominating an individual for Directorship for consideration and appointment by the City.
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- (c) The Board of Management shall notify the Co-ordinator of Business Improvement Areas, Economic Development Division, Planning and Economic Development Department, as soon as any vacancy occurs and shall further notify him or her if and when a nomination is made by the remaining Directors or the Members for appointment to the Board of Management by the City.

Section 4 Term of Office

The Directors' term of office is the same term as City Council but continues until their successors are appointed.

Section 5 Remuneration

- (a) The Directors shall receive no remuneration, either directly or indirectly, for services rendered as a Director, but may be reimbursed for out-of-pocket expenses incurred by them as a result of representing the B.I.A. at non-B.I.A. meetings, upon approval of the Board of Management.
 - (b) The above requirement does not pertain to the contracting of services with a Director's business, by the Board of Management, in order for the Board to have the preference of purchasing its services from Members, provided business is shared fairly.
 - (c) A Director who is in any way directly or indirectly interested in a contract or proposed contract with the B.I.A. shall disclose his or her interest to the Board. Unless otherwise provided by law, no such Director shall vote on any resolution to approve any such contract.
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Section 6 Responsibilities of the Board of Management

The Board of Management shall:

- (a) Notify the Co-ordinator of Business Improvement Areas, Economic Development Division, Planning and Economic Development Department of those nominees for Directorship to the Board of Management proposed for appointment by the Members.
 - (b) Manage and supervise the affairs of the B.I.A.
 - (c) Maintain liaison with the City through the Co-ordinator of Business Improvement Areas, Economic Development Division, Planning and Economic Development Department.
 - (d) shall submit to the City's Auditor, for auditing, financial statements for the Business Improvement Area for the fiscal year on or before February 28 in each year and, after they have been audited, shall submit an annual report to Council, including the audited financial statements, on or before in December 31 in each year, and shall comply with such other requirements as may be set out by the City from time to time.
 - (e) On or before the thirty-first day of March in each year, submit its proposed budget for the fiscal year to the City after holding at least one meeting of the Members to discuss the proposed budget.
 - (f) Authorize all expenditures in accordance with the budget established for the current fiscal year as approved by City Council.
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- (g) Report to the B.I.A.'s Members on its actions affecting the administration, activities and policies of the B.I.A. at all Members' meetings.
- (h) Notify and keep informed the Co-ordinator of Business Improvement Areas, Economic Development Division, Planning and Economic Development Department regarding any potential or actual litigation and the progress of such matters.
- (i) Designate a financial institution for the deposit of funds on behalf of the B.I.A.
- (j) Determine the time and place of all B.I.A. meetings (except for committees) and have authority to call any special meetings it deems necessary.
- (k) Notify the Co-ordinator of Business Improvement Areas, Economic Development Division, Planning and Economic Development Department of all B.I.A. meetings. A representative of the City's staff shall be entitled to attend all meetings of the Board of Management, Committee meetings and all Members' meetings, called for the purpose of carrying on the business of the B.I.A.
- (l) In the event that both the Chair and the Vice-Chair are unable to attend a B.I.A. scheduled meeting, a presiding Officer shall be selected from that meeting only by those Directors present, providing that there is a quorum of the Board of Management.

Section 7 Directors' and Officers' Duties

The duties of the Directors and Officers of the Board of Management are as follows:

- (a) Chair
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- (i) Shall be the Chief Executive Officer of the B.I.A. and the only spokesperson authorized to speak publicly for the B.I.A. unless another Director is expressly delegated with this responsibility with Board of Management approval.
- (ii) Shall preside over all meetings of the Board of Management and those of the Members, unless otherwise delegated.
- (iii) Shall be an ex-officio member of all committees.
- (iv) Shall be one of no fewer than two signing Officers for the B.I.A. contracts.
- (v) May be called upon to sign cheques.

(b) Vice-Chair

- (i) Shall exercise the duties of the Chair in the Chair's absence.

(c) Secretary

- (i) Shall record the minutes of all proceedings, give all notices required to be given to Members, be custodian of all books, records, correspondence, contracts and other documents belonging to the Board of Management of the B.I.A. unless otherwise delegated subject to any requirements imposed by law.
 - (ii) May be called upon to sign cheques.
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(d) Treasurer

- (i) Shall receive and account for all monies of the B.I.A., keep on deposit at the B.I.A.'s bank all monies received, keep full and accurate accounts of receipts and disbursements; disburse all funds by cheque unless otherwise directed by the Board of Management.
- (ii) Shall submit an up-to-date statement of receipts and disbursements at each regularly scheduled Board of Management meeting. Upon approval by the Board of Management the statement will be attached to the minutes of the meeting at which they were approved.
- (iii) Shall provide to the Board of Management an annual financial report.
- (iv) Shall sign all cheques of the B.I.A.

(e) Directors of the Board of Management

- (i) May be asked to serve on a committee.
 - (ii) Shall ensure that any committee, on which he or she is a member, acts within its mandate.
 - (iii) Shall report to the Board of Management on the activities of the committees that he or she chairs.
 - (iv) In the event that the chair of a committee is not a Director, and the chair of the committee does not wish to present the committee report
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himself or herself, a Director representing the committee shall be the committee spokesperson at the Board of Management meeting.

Section 8 Executive Committee

The Executive Committee, comprising the Chair, Vice-Chair, Secretary and Treasurer, shall have the authority to act for the Board of Management in the intervals between Board of Management meetings on such matters as may be necessary to conduct the business of the B.I.A. provided that:

- (a) The Executive Committee may proceed on the basis of the majority of votes from the Board of Management obtained by a phone poll, provided that the Chair shall report on the Executive Committee's activities at the next full Board of Management meeting.
- (b) A meeting of the Executive Committee shall be called by the Chair and a minimum of three members of the Executive Committee are required to be present for quorum.
- (c) Minutes shall be taken at a meeting of the Executive Committee and attached to the minutes of the following Board of Management meeting.

ARTICLE 5

Committees of the Board of Management

Section 1 Formation

- (a) All committees are established by the Board of Management and report only to the Board of Management.
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- (b) All committees shall comprise no fewer than three (3) members. At least one shall be a Director of the Board of Management, other than the Chair, and at least two (2) may be Members of the B.I.A. The chair of a committee shall be elected by the members of the committee from within their ranks.
- (c) The chair of a committee may be a Director. The Chair of the Board of Management shall not chair any committees.

Section 2 Functions

- (a) All committees are responsible for investigating, preparing plans, and recommending actions to the Board of Management within their mandate.
- (b) Committees shall not have the authority to enter into a contract on behalf of the B.I.A. or commit the B.I.A. to any financial obligation or liability.
- (c) Each committee shall report (preferably in writing) its activities to the Board of Management at each regularly scheduled Board of Management meeting, either by the chair of the committee or by a Director representing the committee. Any written report is to be attached to the minutes of the Board of Management meeting at which it was presented.

ARTICLE 6

Meetings of Members

Section 1 General Meetings

- (a) There shall be at least one (1) general meeting in each calendar year.
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- (b) Notice of all General Members' meetings shall be hand-delivered or sent by prepaid mail to each Member not less than fifteen (15) days prior to the meeting. The notice is to be mailed to the address last provided by the Member to the Secretary or, where no address is provided, to the property address of the owner(s) indicated on the last municipal assessment roll.
- (c) Notice of the General Members' Meeting shall include the formal agenda. New business may be received from the floor after the formal agenda has been completed.
- (d) All General Members' meetings properly called shall be held on the date and time for which they are called.
- (e) Quorum of a General Meeting consists of the majority of those Members present at the meeting duly called.
- (f) No error or accidental omission in giving notice of any meeting of Members shall invalidate such meeting or make void any proceedings taken at such meeting.
- (g) No error or omission in giving notice of any annual or special meeting or any adjourned meeting of the Members of the B.I.A. shall invalidate any resolution passed or any proceedings taken at any meetings of Members.
- (h) No omission to give any notice to any Member, Director or Officer, or the non-receipt of any notice by any Member, Director or Officer, nor error in any notice not affecting the substance thereof shall invalidate any action taken at any meeting held pursuant to such notice or otherwise founded thereon.

Section 2 Special Meetings of the Members

- (a) The Board of Management has authority to call any special Members' meeting it deems necessary.
- (b) Upon written petition by the lesser of 20% or twenty-five (25) Members of the B.I.A. stating a cause or concern, which shall be considered as the agenda of the meeting, the Board of Management shall call a special meeting to deal with the cause or concern in question within thirty (30) days of receipt of the petition by the Secretary of the Board of Management.

ARTICLE 7

Meetings of the Board of Management and its Committees

Section 1 Board of Management Meetings

- (a) The Board of Management shall regularly meet to conduct the business of the Board, not less 4 times per year, as established by the Board of Management. The Secretary shall notify all Directors of the date and time of each meeting not less than 14 days in advance. Despite the foregoing, in the event of a special meeting of the Directors, the Secretary shall provide such notice as is reasonable in the circumstances.
 - (b) At regularly scheduled Board of Management meetings, any Member may attend, ask to be recognized by the Board of Management's Chair and speak on any items on the agenda or request new business to be placed on a future agenda. However, they shall not vote on any items on the agenda.
 - (c) Upon written petition of any four (4) Directors, stating a cause or concern, which shall be considered as the agenda of the meeting, the Chair shall call a
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Board of Management meeting, to deal with the cause or concern in question within fifteen (15) days of reception of the petition by the Secretary of the Board of Management.

- (d) The Board of Management may limit the time for deputations or presentations prior to the commencement of any meeting.
- (e) No error or accidental omission in giving notice of any meeting of Directors shall invalidate such meeting or make void any proceedings taken at such meeting.
- (f) No omission to give any notice to any Member, Director or Officer, nor error in any notice not affecting the substance thereof shall invalidate any action taken at any meeting held pursuant to such notice or otherwise founded thereon.
- (g) If all Directors of the Board of Management consent, a meeting of Directors may be held by means of such telephone, electronic or other communication facilities as permit all persons participating in the meeting to communicate with each other simultaneously and instantaneously and a Director participating in such a meeting by such means is deemed to be present at the meeting.
- (h) A resolution in writing, signed by all the Directors entitled to vote on that resolution at a meeting of Directors or committee of Directors, is as valid as if it has been passed at a meeting of Directors or committee of Directors. A copy of every such resolution shall be kept with the minutes of the proceedings of the Directors or committee of Directors.

Section 2 Committee Meetings

- (a) A committee shall meet as often as its members deem necessary to perform the committee's mandate.
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- (b) A committee shall establish a time and place suitable to the majority of its members for the holding of its regular meetings.

- (c) A committee shall keep accurate records of its activities, including minutes, attendance list and agendas, or may report orally to the Board of Management on these matters to be recorded by the Secretary in the minutes. These documents are to be attached to the minutes of the Board of Management meeting at which they are presented.

ARTICLE 8

Annual Budget

- Section 1** An annual budget prepared by the Board of Management shall be presented at a Members' meeting called for this purpose for review and input from the Members.

- Section 2** A copy of the proposed budget must be included with notice of a budget meeting if available and if not shall be available at the Members' meeting.

- Section 3** After adoption of the annual budget by the Board of Management, the proposed budget shall be submitted to the City for approval.

- Section 4** The allocation of funds may be made by the Board of Management in accordance with the budget upon approval by the City.

ARTICLE 9

General Expenditures

Section 1 All monies spent from the B.I.A. account, shall be within the budgeted provisions and spent only for the benefit of the B.I.A. Members' businesses. Nothing precludes the B.I.A. from accepting a donation, including a donation from a Member to increase the value of improvements carried out in the B.I.A. provided the proposed donation is included in the budget or revised budget for the project approved by Council.

ARTICLE 10

Rules of Order

Section 1 In the absence of rules in this By-law, the proceedings of the B.I.A. shall be in accordance with the Municipal Act, 2001 and shall be conducted as set out in Bourinot's Rules of Order.

ARTICLE 11

Banking

Section 1 The designation of a financial institution for the deposit of funds on behalf of the B.I.A., is the responsibility of the Board of Management.

Section 2 The disbursement of funds shall be by cheque unless otherwise provided by the Board of Management.

Section 3 All cheques shall bear two (2) signatures, one (1) of which shall be that of the Treasurer and one (1) of either the Chair, the Vice-Chair or the Secretary.

ARTICLE 12

Contracts

- Section 1** All B.I.A. contracts are the responsibility of the Board of Management.
- Section 2** To enter into a contract, a resolution thereof approved by the Board of Management shall be required to be entered in the minutes of a Board of Management meeting and a copy of the contract is to be attached to the minutes of that meeting.
- Section 3** Once approved, a contract shall bear two (2) B.I.A. official signatures, one (1) of which shall be the Chair of the Board of Management and one (1) of either the Vice-Chair, the Secretary or the Treasurer of the Board of Management.

ARTICLE 13

Proxy Voting

- Section 1** There shall be no proxy voting of any kind at meetings of the Board of Management or any committees established by the Board of Management.
- Section 2** There shall be no proxy voting of any kind at Members' meetings, including voting at the Annual General Meeting in a City Council's election year for the purpose of providing the City with the opinion of the B.I.A. on Council's appointment of Directors to the Board Management, except a corporate Member may nominate, in writing by letter delivered to the Secretary of the Board of Management at least fifteen (15) days before the date set for a vote, one individual to vote on its behalf. Such a nomination shall be effective on the date it is received and shall continue to be effective until it is replaced or revoked by a further letter received by the Secretary of the Board of Management.

ARTICLE 14

Elections

- Section 1** The Board of Management shall conduct elections for Directors on the Board of Management as part of the Annual General Meeting in a City Council election year for the purpose of providing City Council with the opinion of the B.I.A. on Council's appointment of Directors to the Board of Management.
- Section 2** The Board of Management shall appoint a "nominating committee" not less than forty-five (45) days before the date set for the elections of the Board of Management.
- Section 3** The nominating committee shall submit to the Secretary of the Board of Management a list of at least 9 candidates not less than thirty-five (35) days before the date set for the elections of the Board of Management.
- Section 4** The Board of Management shall distribute to all Members not less than thirty (30) days before the date set for the elections, a list of candidates submitted by the nominating committee.
- Section 5** Any three (3) Members or more may nominate a candidate or candidates in writing to the Secretary of the Board of Management. Any nomination shall be submitted to the Secretary not less than twenty (20) days prior to the date of the election to be included in the list of nominations. Despite the foregoing, nominations can be made at the commencement of the meeting set for the elections from the floor.
- Section 6** All nominations shall bear:
- (a) The name of the individual nominated and, if any, the business or property they own or represent.
 - (b) The signature of the nominee.
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Section 7 The Board of Management shall distribute to all Members not less than fifteen (15) days before the date set for the elections:

- (a) The date of the General Members' Meeting at which the elections will be held.
- (b) The list of all nominations received by the Secretary from the nominating committee and Members.
- (c) A copy of this By-law.

Section 8 Voting shall follow the following procedure:

- (a) Voting shall take place at a place and time designated by the Board of Management.
 - (b) Each Member may cast one (1) vote.
 - (c) After the poll closes the sealed ballots are to be delivered to three (3) scrutineers appointed by the Board of Management.
 - (d) A candidate has the right to appoint a representative to be present during the counting of the ballots.
 - (e) The scrutineers shall count all ballots on election day and post the results at a place designated by the Board of Management.
 - (f) If two or more candidates who cannot both or all be elected have received the same number of votes, one scrutineer shall choose, in the presence of the other two scrutineers, the successful candidate or candidates by lot.
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- (g) All ballots shall be kept securely for thirty (30) days following the election. If no challenges are registered with the Secretary of the Board of Management the ballots shall be destroyed with approval of the Board of Management.

Section 9 (a) The list of elected nominees for the Board of Management chosen at the Annual General Meeting shall be forwarded to the City for consideration in appointing the new Directors of the Board of Management.

- (b) The newly appointed Board of Management shall assume their responsibilities in accordance with their appointment by City Council. The previous Board of Management continues in office until the new Board of Management takes office following City appointment.

ARTICLE 15

Voting at Meetings

Section 1 At each Members' meeting a Member may cast one (1) vote on each motion.

Section 2 The Chair of the Board or of a Committee has the right to vote at all meetings of the Board or Committee of which he or she is the Chair.

ARTICLE 16

Amendments

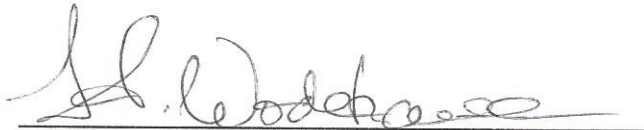
Section 1 The number of Directors under Article 4, Subsection 1(a), the number of Board of Management meetings and the number of days notice of such meetings under Article 7, subsection 1(a), and the number of candidates under Article 14, Section 3 may be amended by a majority vote at a meeting of the Board of Management. Any other amendments to this By-law require an amendment to City of Hamilton By-law No. 14-253, the Business Improvement Area By-law.

Section 2 The amendment shall be effective only after it has been circulated to the Members along with notice that the amendment shall take effect if no objection is received from a Member by the Secretary within ten (10) days of the notice being given.

Section 3 If an objection is received, the amendment must be confirmed by majority vote at a General Meeting of the B.I.A.

PASSED by the Directors this 9th day of February, 2022

Signature



Herb Wodehouse – Chair

Signature



Maja Prvanovic-Kogut – Treasurer/Secretary

**Business Improvement Area Advisory Committee
City of Hamilton
*Code of Conduct for City of Hamilton BIAs***

CODE OF CONDUCT

The Board of Management of the BIA expects of itself, its Directors, BIA members and BIA staff, ethical and business-like conduct. This commitment includes the proper use of authority and appropriate decorum by Directors when interacting with groups and individuals. Directors are to work for the advancement of the BIA. They should avoid working for the advancement of themselves, their businesses or their organizations when this is to the detriment of the BIA as a whole.

Board of Management Unity and Teamwork

Directors use the expertise of the Board of Management, staff and BIA members to enhance the ability of the Board of Management as a body to make wise policy.

Directors recognize that the Board of Management and staff have a common purpose: adopt a team approach to ensure the success of the BIA.

Board of Management Integrity

Directors act openly and honestly and avoid the improper use of influences of their office.

Board of Management Objectivity

Directors view events or persons objectively and disclose all conflicts of interests, not allowing personal gain or advantage to influence their judgment.

Board of Management Professionalism

Directors act professionally in performing their duties. Directors should avoid working for the advancement of themselves, their businesses or their organizations when this is to the detriment of the BIA as a whole.

Discrimination means any form of unequal treatment based on a *Code* ground, whether imposing extra burdens or denying benefits. It may be intentional or unintentional. It may involve direct actions that are discriminatory on their face, or it may involve rules, practices or procedures that appear neutral, but disadvantage certain groups of people. Discrimination may take obvious forms, or it may happen in very subtle ways. Even if there are many factors affecting a decision or action, if discrimination is one factor, that is a violation of this policy. *(Source: OHRC website)*

Harassment means a course of comments or actions that are known, or ought reasonably to be known, to be unwelcome. It can involve words or actions that are known or should be known to be offensive, embarrassing, humiliating, demeaning or unwelcome, based on a ground of discrimination identified by this policy. Harassment can occur based on any of the grounds of discrimination. *(Source: OHRC website)*

Avoidance of Discrimination or Harassment

□ All Directors, BIA members and BIA staff are expected, at all times, to be mindful of conduct which could be deemed or thought to be unfair, discriminatory or construed as harassment.

□ All Directors, BIA members and BIA staff are expected to refrain from any form of harassment or discrimination, and cooperate fully in any investigation of a harassment or discrimination complaint.

□ All Directors and the Executive Director (where applicable) have the additional responsibility to act immediately on observations or allegations of harassment or discrimination. They are responsible for creating and maintaining a harassment- and discrimination-free BIA, and should address harassment or discrimination as early as possible.

□ All Directors should treat the BIA staff, their fellow Directors and BIA members with respect and in accordance with any and all related policies and laws.

□ All Directors should ensure that they do not speak on behalf of the BIA unless given permission to do so by the Chair or Board of Management. If approached by media regarding the BIA, redirect the media to the Executive Director, the Chair or a dedicated spokesperson.

Board of Management Confidentiality

□ Directors maintain and respect the confidentiality and privacy of any information or reports obtained during Board meetings that include issues of a sensitive nature. External release of said information or reports must be authorized by the Chair or Board of Management.

Board of Management Conflict Of Interest

□ Every Director shall act honestly and in good faith with a view to the best interests of the BIA in discharging his/her duties.

□ Directors are subject to the *Municipal Conflict of Interest Act* which requires they declare direct and indirect pecuniary interests, and following the declaration, that they not influence any vote or actually vote on the matter.

□ Directors are entitled to participate fully on matters in which they have no greater pecuniary interest than other members of the BIA.



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Anti-Harassment, Bullying, and Violence Policy

The International Village BIA is committed to providing a safe and supportive workplace in which the diversity, dignity, and perspectives of all individuals are valued and respected.

1. Under the Ontario Human Rights Code Members of Staff, Board Members, and Non-Member Volunteers have the right to work in a professional atmosphere that is free from all forms of harassment, discrimination, bullying and violence.
2. The Ontario Human Rights Code prohibits harassment and discrimination based on one or more of the following grounds: race, ancestry, place of origin, colour, ethnic origin, citizenship, creed (religion, including atheism), sex (includes pregnancy and breast feeding), sexual orientation, gender identity, gender expression, age, record of offences (criminal conviction for a provincial offence or for an offence for which a pardon has been received), marital, family status, disability and health (includes mental, physical, developmental, or learning disabilities), association or relationship with a person identified by one of the listed grounds, perception that one of the listed grounds applies, whether or not it actually does.
3. Relationships among Members of Staff, Board Members, and Non-Member Volunteers will be professional and free of bias, prejudice, and harassment including any work-related settings outside of the workplace (i.e. business meetings, interactions with property and business owners, business related social events, and business trips).
4. The International Village BIA will not tolerate, condone or ignore harassment and discrimination in the workplace. Harassment can take many forms including unwanted sexual attention, unequal treatment, imposing extra burdens, words or actions that are known (or ought to

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be known) to be offensive, embarrassing, humiliating, demeaning, or unwelcome. Harassment can also include visual or physical communication or conduct.

5. The Board of Management and Members of Staff, and non-member volunteers will lead by example to uphold the highest standards of respect, encouraging good-faith reporting of complaints concerning harassment, discrimination, bullying and violence and cooperating in the investigation of such complaints and respect the right of individuals to have a safe environment while working.
6. The Board of Management are responsible to address and pursue complaints concerning harassment, discrimination, bullying and violence in order to enable accessible processes for resolution, and to provide support to all parties involved in such processes.
7. The Board of Management and Members of Staff must ensure that everyone in the workplace is aware of anti-harassment, discrimination and violence policies and procedures.
8. The Board of Management and Members of Staff agree to take all applicable steps to address substantiated complaints of workplace harassment including sexual harassment, discrimination, bullying and violence. The steps for resolutions of these issues can include:
 - a. Providing a timely process for the investigation and resolution of complaints;
 - b. Requiring remedial action such as counselling and/or training;
 - c. Disciplinary action including restrictions, suspension or termination of employment and/or membership;

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- d. Legal action as per applicable laws including human rights legislation.
- 9. The International Village BIA will respect the rights of Members of Staff, Board Members, and Non-Member Volunteers to ensure a safe environment when working, attending, or participating in events or activities hosted by the BIA.
- 10. The International Village BIA will not tolerate harassment, bullying or discrimination and, in particular, threatening behaviour towards any Members of Staff, Board Members, and Non-Member Volunteers in an workplace setting.

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International Village BIA Hiring Policy (2023)

Policy Statement: The International Village Business Improvement Area (the “BIA”) is committed to transparent and merit based selection in all of its hiring decisions. All applicants are given an equal opportunity for employment in compliance with the provisions in the Ontario *Human Rights Code*, the *Accessibility for Ontarians with Disabilities Act (AODA)* and any other applicable legislation.

Purpose: The purpose of this Policy is to set a consistent and equitable standard for the recruitment and selection of employees at the BIA. Effective recruitment, selection and promotion practices optimize the efficiency of human resources, and maximize the number of promotion and career development opportunities for existing employees.

Scope: This Policy applies to all BIA employees including but not limited to temporary and contract employees.

Principles: The following principles apply to this Policy

1. **Merit** – all selections, appointments, and promotions shall be based on considerations of merit, and ability to perform effectively in a position. Hiring decisions will be free of nepotism in accordance with the BIA's Anti-Nepotism Policy.
2. **Objectivity** – selection criteria shall be developed in an objective and non-discriminatory manner and must be based on bona fide job-related requirements.
3. **Consistency** – selection systems and procedures will ensure that all candidates are treated in a fair and consistent manner.
4. **Equal Opportunity** - All BIA recruitment practices and procedures must comply with the *Ontario Human Rights Code*. All Internal Candidates and External Candidates receive equal treatment with respect to employment without discrimination because of race, ancestry, place of origin, color, ethnic origin, citizenship, creed, sex, sexual orientation, age, gender identity, gender expression, record of offences, marital status, family status or disability.
5. **Accessibility** - All BIA recruitment practices and procedures must comply with the AODA requirements for developing, implementing and enforcing accessibility standards for Internal Candidates and External Candidates who may have a disability. This includes identifying and removing any barriers that may exist for persons with disabilities to apply for BIA positions; and if qualified, to participate in the interview process.
6. **Accommodation** – The BIA is committed to the removal of barriers within the workplace and will consider the accommodation needs of employees and applicants based on the human rights protected grounds. The BIA will provide accommodation, where required, up to the point of Undue Hardship.

Terms and Conditions:

1. All Internal Candidates whose performance is in good standing are eligible to apply for posted positions.
2. Short-term positions or vacancies that are six months or less may be filled without a competitive process.
3. External Candidates who were previous employees may apply where there were no performance issues.
4. Candidates must meet the position qualifications to apply.
5. If an Internal Candidate and External Candidate are both determined to equally meet all the selection criteria, preference for the selected position shall be given to the Internal Candidate (BIA to decide whether to include clause).

Responsibilities:

Board of Management:

- Develop employment policies, procedures, guidelines and tools which promote a fair and equitable process, in support of making the best hiring decision possible.
- Identify and remove any employment practices or selection criteria that may result in employment barriers for any individual or group. Such barriers would include any requirement that is not a bona fide occupational requirement, a statutory requirement or a necessary requirement for the effective operation of the BIA.
- Ensure the principles in this Policy are abided by during the hiring process.
- Create an up-to-date job description that outlines duties and requisite qualifications.
- Strike a Selection Committee to carry out the recruitment process.
- Provide support to the Selection Committee related to specific recruitment strategies to attract quality candidates.

Selection Committee:

- Ensure that all recruitment activities and staffing decisions comply with statutory requirements and corporate policies and procedures.
- Advertise the position on social media and other networks.
- Conduct a fair and equitable selection process as per the Policy and other relevant policies, procedures and legislation.
- Maintain documentation associated with all phases of selection process.
- Ensure accessibility and accommodation is provided (as needed) for candidates.
- Safeguard the privacy and confidentiality of candidate information.
- Complete the reference checking once consent from a candidate is received.

Candidate:

- Carefully read the position's posted requirements and only apply if have the requisite knowledge, skills, abilities and experience.
- Complete the application process to meet the posted closing date, and accurately and fully disclose all related information to allow for an objective determination of knowledge skills and experience.

- Disclose any potential Conflict of Interests at the beginning of the selection process and do not apply for roles where the manager is a family member.
- Satisfy all employment conditions and provide proof of the qualifications identified on the posting if requested.
- Correspond and consult with the designated BIA contact, to disclose and request accommodation for any disability as required.
- Safeguard and keep confidential any BIA related information disclosed during the recruitment process.

Compliance:

Any attempt to improperly influence a recruitment or selection decision will be reviewed by the Board of Management and, if verified, result in appropriate disciplinary action.

Failure to comply with this Policy and its associated procedures may result in appropriate disciplinary measures up to and including dismissal.

Candidates who do not comply with responsibilities listed above may be disqualified from the selection process.

Anti-Nepotism:

Purpose: The International Village Business Improvement Area (the “BIA”) makes all hiring and employment related decisions based on transparency, equitable opportunity, and an overall emphasis on merit. This Policy aims to eliminate the influence of nepotism in BIA hiring and employment related decisions to maintain confidence in the integrity of the BIA’s hiring and employment practices.

The purpose of this Policy is to ensure that employment related decisions concerning existing or potential BIA employees are free from any real or perceived improper influence based on family or significant social relationships.

Terms and Conditions:

1. This Policy is in accordance with the Ontario *Human Rights Code*. S. 24 (1) (d) of the *Code* states that the right under section 5 to equal treatment with respect to employment is not infringed where an employer grants or withholds employment or advancement in employment to a person who is the spouse, child or parent of the employer or an employee.
2. The hiring process promotes equitable opportunity, and candidates are selected and employment decisions made in accordance with the BIA's Recruitment and Selection Policy and procedures, Code of Conduct, as well as any other applicable BIA policies.
3. No employee or Director shall misuse their authority to influence or make an employment related decision. Employment related decisions where a benefit may be gained or authority may be misused include but are not limited to the following:
 - the approval/denial of compensation increases;

- hire, transfer, promotion, demotion decisions;
 - performance rating, discipline or termination;
 - the assignment and approval of overtime;
 - the assignment or direction of work assignments;
 - approval of leaves of absences;
 - the negotiation of salary level.
4. No employee or Director shall attempt to improperly influence a recruitment or selection decision to benefit a family member or an individual with whom they have a significant social relationship
 5. All job applicants will be requested to disclose the names of any spouse, child or parent who is a current employee or Director. Job applicants will be asked whether they are aware of any family or significant social relationship with an individual who currently works as an employee, acts as a Director or is a BIA Member by disclosing a “yes” or “no” response. With the exception of a spouse, child, or parent relationship with a current employee or Director, applicants will not be requested to provide the names of any other family member or individuals with whom they have a significant social relationship, in accordance with the Ontario *Human Rights Code*.
 6. A spouse, child or parent of a current employee or Director shall not be considered for employment, or changes in employment, if placement would create a direct or indirect reporting relationship with the above mentioned family members.
 7. No employee or Director shall be in a direct or indirect reporting relationship; or be placed in a position of influence over an employed family member or individual with whom they have a significant social relationship.
 8. Employees who become involved in a spousal relationship, significant social relationship, or who otherwise become related with another employee or a Director over the course of their employment may continue as employees if no direct reporting or indirect reporting relationship exists between such employees and another employee or a Director.. If there is a direct or indirect reporting relationship, the BIA Board of Management will make a decision as to appropriate next steps.
 9. Subject to item 6 of the Terms and Conditions, family members of employees, Directors or BIA Members and individuals who significant social relationships with employees, Directors or BIA Members will be considered for employment or advancement provided they:
 - have made application in accordance with established procedure;
 - have been considered in accordance with established procedure;
 - possess the necessary qualifications; and
 - are considered to be the most suitable candidate.

Responsibilities:

Employee: Immediately notify their manager, whether that is another employee or the BIA Board of Management, in writing of any Conflict of Interest. This includes the existence or formation of a direct or indirect reporting relationship with a family member or an individual with whom there is a significant social relationship.

Executive Director (Manager) or Board of Management:

- o Executive Director (Manager) or Board of Management: Do not knowingly place employees in positions where their duties could create a Conflict of Interest with a family member and/or individual with whom there is a significant social relationship.
- o Where a Conflict of Interest exists and the manager is an employee, notify the Board of Management, which shall determine whether the employee has breached or may potentially become in breach of this Policy.
- o If a real or apparent conflict exists, and it is duly reported, such that the employee is or may be or may become in breach of the Policy, instruct the employee, in writing, to withdraw from participation in any dealings or decision-making processes relative to the issue at hand. If the employee has knowingly or willfully breached the Policy, determine the appropriate disciplinary measure, in consultation with the Board of Management, if the manager is an employee. Provide consultation as requested by employees on this Policy and specific situations involving a Conflict of Interest

Compliance: Every employee and Director is expected to be aware of and act in compliance with this Policy. Violations of this Policy may result in appropriate disciplinary measures, up to and including dismissal.

Reference Check Procedure:

- 1) References must be successfully completed and documented prior to any job offer extended (verbal or written). If the reference check results raise any significant concerns or issues, the Selection Committee Chair/BIA Chairperson will consult with the Board of Management on what further actions to take. The Board Executive, Board of Management or Selection Committee makes the final decision whether or not to proceed with a job offer
- 2) References are only checked on the final Candidate if there is one clear superior Candidate compared to the applicant pool, and only after all assessments have been completed. If necessary, references are performed on the short-list of Candidates (top two or three) following the final interview.
- 3) For external hires, a minimum of three References are contacted; and for internal hires; a minimum of two References are contacted as per the following provisos:
 - The best practice is to ask Candidates for referees who are current and former supervisors.
- 4) As per the *Ontario Human Rights Code*, no questions can be asked that give consideration to a Candidate's race, ancestry, place of origin, color, ethnic origin,

citizenship, creed, sex, sexual orientation, gender identity and expression, age, record of offences, marital status, family status or disability.

- 5) In accordance with the *Municipal Freedom of Information and Protection of Privacy Act*, all Candidates must sign off on a "Reference Consent Form" (see Appendix A) that provides their consent for the BIA to proceed to contact the referees as provided. Alternatively, Candidates can grant their permission through email.
- 6) All reference checks should be conducted via personal contact e.g. over the phone as opposed to receiving a letter of recommendation. Exceptions can be made for Referees who need accommodation.

All reference checks must be performed by the Executive Director, Chair or a person designated by the Chair to carry out this activity

- 7) Letters of reference provided by candidates are not deemed to be acceptable unless specifically verified. Often more job specific information is required which is not addressed in a letter of reference.
- 8) Any unsolicited, inappropriate comments provided by the Referee should not be written up or given consideration as part of the reference.
- 9) If an internal Candidate refuses to include the names of his or her current or former supervisor(s), he or she should be asked the reason. The Chair/Executive Director will normally inform the Candidate that any issues of concern raised by him or her will be taken into account. However, the normal practice is that an internal Candidate cannot be considered without a reference provided by the current supervisor or manager. Exceptions are considered on a case-by-case basis.

DEFINITIONS	
Internal Candidate	Applicants who are BIA Members, employees of BIA Members or current Board of Management employees.
External Candidate	All other applicants.
Conflict of Interest	<p>A situation in which a member of the Selection Committee has a Conflict of Interest in participating in the hiring decision (e.g. they have a significant social or familial relationship with the applicant); or the Internal Candidate, or External Candidate has a Conflict of Interest in applying for a position that may compete with the interests of the BIA. Such competing interests can make it difficult to fulfill their duties impartially. <u>Refer to the <i>Code of Conduct Policy</i> for more details.</u></p> <p>A Conflict of Interest is a situation in which an employee has personal or private interests that may compete with the interests of the BIA. Such competing interests can make it difficult to fulfill the employee's duties impartially. A Conflict of Interest can create an appearance of impropriety or a</p>

<p>Direct Reporting Relationship</p> <p>Director</p> <p>Family Member</p>	<p>perception of bias that can undermine confidence in the person and in the BIA generally. A conflict exists even if no unethical or improper act results from it. A Conflict of Interest can either be an apparent conflict or a real conflict.</p> <p>Apparent Conflict: exists where an informed and reasonable person reviewing the matter and having thought the matter through could conclude that a Conflict of Interest exists.</p> <p>Real Conflict: exists where a personal interest exists and that interest:</p> <ol style="list-style-type: none"> 1. is known to the employee; and 2. has a connection to the employee's duties that is sufficient to influence the exercise of those duties. <p>Involves a reporting relationship where an individual or group of individuals has the authority to direct and control the activities and work assignments of an employee; review or approve performance reviews, wage and salary adjustments; and administer disciplinary action and recommend or approve the hiring or firing of an employee.</p> <p>Means a Director on the BIA Board of Management</p> <p>Includes the following family relationships:</p> <ul style="list-style-type: none"> • spouse (includes married and common-law of the same or opposite sex) • mother, father, or legal guardian (foster or step) • son, daughter (foster or step) • sister, brother, step-sister, step-brother • aunt, uncle, niece and nephew • mother-in-law, father-in-law, sister-in-law, brother-in-law, • son-in-law or daughter-in-law • grandchild, grandparent, step-grandparent, step-grandchild • child, mother or father in a relationship where the role of parent has been assumed <p>Exists between the employee and the second-removed manager.</p> <p>Favoritism granted to a family member or individual with</p>
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<p>Nepotism</p> <p>Significant Social Relationship</p>	<p>whom there is a significant social relationship, usually in the form of hiring practices or other employment decisions without regard or with lesser regard to the individual's merit, qualifications or performance.</p> <p>An emotional association, personal relationship or strong friendship that is not defined by blood or legal bonds, e.g. god-child.</p>
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Accessibility Plan 2015

Vision

The International Village Business Improvement Area works to develop successful private and public partnerships to promote International Village as a safe, attractive place to work, live, shop, play and learn and a welcoming, prosperous, diverse, and accessible community and the destination for essential, creative and energetic businesses.

Goal

It is the goal of the International Village Business Improvement Area Board of Directors to provide an inclusive and accessible environment in Hamilton.

Plan

It is the plan of the International Village Business Improvement Area to operate the BIA as an inclusive and accessible organization by:

1. Locating the BIA office in an accessible location or making adjustments to accommodate people with disabilities.
2. Consideration of hiring staff or offering volunteer positions for persons with disabilities.
3. Creating a communication plan that is inclusive of persons with disabilities.
4. Consideration of anyone with disabilities when purchasing goods and services.
5. Developing public events that are accessible to everyone in our community.
6. Providing training to existing staff and volunteers on accessibility matters pertaining to its operation.
7. Provide information to BIA members on Accessibility resources.
8. Provide opportunities to persons with disabilities to access BIA meetings.

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Accountability

The International Village BIA is accountable for all activities to be accessible under its control. The International Village BIA's Accessibility officer is the Executive Director of the organization who is designated as responsible for the Accessibility policy. The Accessibility officer can be reached by:

- E-mail, at info@hamiltoninternationalvillage.ca, or at (905) 522-1778
- Mail, at International Village BIA, 195 Main St. East, Suite 100, Hamilton, ON L8N 1H2

Any questions or concerns about the International Village's accessibility initiatives or you require this document or any accessibility policies in an alternate format, please contact the Accessibility officer.

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Hamilton International Village BIA

Social Media Mission Policy

The International Village BIA will endeavour to increase awareness of the BIA and their member businesses which it represents by:

- Promoting events and contests
- Engaging with the business community, visitors and residents
- Dialoguing with followers, fans and friends to promote International Village as a vibrant business community.

The BIA will focus their social media efforts on Facebook, Twitter and Instagram and adjust platforms as required. Our goal is to increase traffic to the BIA website, increase our social media audience and to increase awareness of the business community. Through these channels we will aim to increase attendance to our events and BIA member business locations. Our policies and goals will be re-evaluated as needed to ensure we are growing and progressing and expanding our presence and online influence.

Social Media Responsibilities

When engaging with the public & membership on any social media channel, the guidelines of the BIA are:

- a) Be aware of controversial/privacy issues and seek advice/approval when uncertainty arises
- b) Use common sense. Be honest. Be approachable.
- c) Utilize best practices, listen to the online community and comply with applicable regulations to ensure that our online presence remains current and represents an appropriate standard of behaviour.
- d) Add value. There are many voices out there so we will aim to engage in online conversation that builds community and leverages the voice of the BIA and our members. We will engage in dialogue and healthy debate without inflaming the voices of others.
- e) We will only share family-friendly content from members as we see suitable.
- f) The BIA staff will make the final decisions on what content to share from the members.

Employee Conduct

- g) Employees will be respectful of every person's legal right to express their opinions, whether those opinions are complimentary or critical. The BIA recognizes the rights of individuals free speech. Tolerance and consideration of opinions contrary to personal or BIA positions will be tolerated until such time as online comments become personal, disrespectful or threatening. At such time, the employee shall inform the Executive Director of the BIA and disengage from the online conversation or delete/hide negative comments.
- h) Whether officially authorized to speak on behalf of the BIA or not, employees may be seen by people outside of the organization as representatives of the BIA Brand. Employees will always represent the core values of the International Village BIA on our social media channels.

- i) Harassments, threats, intimidation, ethnic slurs, personal insults, obscenity, racial or religious intolerance, gender or sexual bias or any other form of intolerance is strictly prohibited as is posting material of a confidential nature.
- j) When dealing with sensitive socio-cultural issues of current events that may provoke a charged, emotional response, the BIA will always strive to show compassion within our community. Seeking support of the Executive Director and Board on any matter is recommended.



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Film Policy and Guidelines

The International Village BIA endeavours to work collaboratively to make filming projects easy and successful for film crews and minimize impacts to businesses located in the area.

Location

The International Village BIA includes the areas of Main Street East, King Street East, and King William Street (from West Avenue to Mary Street) in Downtown Hamilton.

Notice

The BIA will be notified by the Hamilton Film office as soon as possible when a filming is taking place within our boundaries. Production crews are responsible for notifying any impacted businesses within a reasonable period of time.

Donations to BIA

The opportunity to work with the International Village BIA provides film crews with knowledge of the area and promotes cooperation with member businesses.

The International Village BIA has adopted the following guidelines for any donations made by film productions in the area to the BIA:

- Small Productions (Minimal Impacts): \$250 Per Day*
- Medium Productions (Mild Impact): \$500 Per Day*
- Large Productions (Moderate Impacts): \$1000 Per Day*

*rates subject to change at the discretion of the Executive Director

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Donation guidelines are based on impacts to businesses in the area including limiting pedestrian movement, business closures, reduced/no customer parking, and roadway closures.

Film productions are also encouraged to work with businesses in the area to provide individual businesses with adequate compensation. The BIA has no involvement in monetary negotiations between the businesses and film company and is not responsible for collecting payment.

Guidelines for Filming

The International Village BIA has prepared the following guidelines to highlight the ideal scenario for filming in the area:

- Clear and consistent communication to impacted businesses (i.e. changes to the scope, time/date, or location of filming).
- Filming is preferred on low-traffic days (i.e. Sunday, Monday). Weekends are very high-impact shopping days.
- Continued access to open businesses for pedestrian traffic and curbside pick-ups.
- Continued access to parking in municipal car lots for customers, unless otherwise agreed to with proper notice given ahead of time.

The International Village BIA understands that the scope of some film projects may not be able to meet all of the above guidelines and endeavours to work collaboratively with film crews to minimize impacts to businesses in the area.

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Newsletter Communications Policy & Guidelines

The International Village BIA will endeavour to provide information to the members of the BIA and community members through timely newsletter communications with relevant information.

The BIA will place importance on the following information via the newsletter:

- News, Promotions, or Events Provided by Members of the BIA.
- News, Programs or Events from Community Partners (i.e., City of Hamilton, Province of Ontario, Government of Canada, The Hamilton Chamber of Commerce, Neighbourhood Associations, Etc.).

The Executive Director and staff will make the final decisions on what content to share in the newsletter.

No information on confidential information about BIA members such as the mailing list, metrics, or individual email addresses will be provided.

It is the responsibility of members to inform the BIA if they are not receiving email communications or sending updated contact information.

The BIA makes every effort to provide accessible information, and as a result, the most recent newsletters can be found on the 'News & Events' section on the BIAs website located at hamiltoninternationalvillage.ca.

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Newsletter Communication Guidelines

The International Village BIA has adopted the following guidelines for newsletter communications and submitting content:

- a) Be aware of controversial/privacy issues and seek advice/approval from the Executive Director when uncertainty arises.
- b) Use common sense and utilize best practices to ensure that the content that the BIA shares in the newsletter meets an appropriate standard of behaviour.
- c) The BIA only shares family-friendly content from members and community partners as we see suitable.
- d) Submissions to the newsletter must be provided at least five (5) days in advance of publishing of the newsletter.
- e) It is the responsibility of those submitting newsletter content to provide written copy and a photo. Due to the format of the newsletters, the BIA may need to make minor changes to the content provided.
- f) Harassments, threats, intimidation, ethnic slurs, personal insults, obscenity, racial or religious intolerance, gender or sexual bias or any other form of intolerance is strictly prohibited as is sharing material of a confidential nature.
- g) Whether officially authorized to speak on behalf of the BIA or not, content may be seen by people outside of the organization as representative of the BIA brand. Content must represent the core values of the International Village BIA.
- h) Timeframe for which content will be placed and the publishing date of the newsletter is at the Executive Director's discretion.

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